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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/711,926 | 10/13/2004 | Suzanne Berlin | 70655.4100 | 5925 |
| 5514 | 7590 | 07/28/2006 | EXAMINER | |
| FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | TSUI, WILSON W | |
| | | ART UNIT | PAPER NUMBER | |
| | | | 2178 | |

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/711,926 | BERLIN ET AL. |
| | Examiner | Art Unit |
| | Wilson Tsui | 2178 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 October 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-17 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>20041013</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed on 10/13/2004, and IDS filed on 10/13/2004.
2. Claims 1-17 are pending, and claims 1 and 11 are independent claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claim 9, the claim recites a singular requirement for webpage file type includes: "any one of a ...". However, the claim also recites "JSP, HTML, ASP, and PHP file type". The use of the word "and" thus suggests the webpage file type to comprise all types (plurality), instead of just one type that was required earlier. The examiner is unsure as to whether the applicant intends to use the word "or" in place of "and", or if the applicant is requiring the webpage file type to comprise a plurality of types. For the purposes of continuing the examination, the examiner will assume the applicant intends the use of the word "or" instead of "and".

With regards to claim 16, the claim is rejected under the same rationale as mentioned above for the rejection of claim 9.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 9, 11, 12, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Borger et al (US Application: US 2002/0123334 A1, published: Sep. 5, 2002, filed: Mar. 5, 2001).

With regards to claim 1, Borger et al teaches a method comprising:

- *Receiving a web page request* (paragraph 0020: whereas “a user sends a request for a web document”)
- *Analyzing a webpage file type of a webpage corresponding to said webpage request* (paragraph 0049: whereas a web page is analyzed for types, including ASP, JavaScript, VBScript, PHP, and JSP, and HTML (paragraph 0048); such that dynamic web page content is created based upon requests).
- *Obtaining an XML tag from said webpage* (paragraph 0057, Fig. 6: whereas, in an XML document, XML tags are obtained and read from a web document/page)
- *Defining formatting standards related to said webpage interface elements based upon said XML tag* (paragraph 0055: whereas, based on the XML markup tag, a particular formatting standard is defined to be inserted and displayed as user interface element(s) in said web page).

With regards to claim 2, which depends on claim 1, Borger et al teaches a method further including *compiling said web page* (paragraph 0056: whereas, a web page is dynamically constructed/compiled for rendering on a user display).

With regards to claim 3, which depends on claim 1, Borger et al teaches a method further including *extracting data from a database* (paragraph 0052: whereas data specified by the formatting/XML tags are extracted from a database located at a second server).

With regards to claim 4, which depends on claim 1, Borger et al teaches a method further including *reading XML statements within said web page*, as similarly explained in the rejection for claim 1, and is rejected under the same rationale. Furthermore, Borger et al teaches *formatting XML statements within said web page* (as explained in paragraph 0056: whereas, XML statements are inserted/formatted into said web page as shown in Fig. 7).

With regards to claim 5, which depends on claim 1, Borger et al teaches a method further including *obtaining a configuration file tag, wherein said configuration tag corresponds with said XML tag within said web page* (Fig 6.: whereas, it is shown a particular configuration file tag (to obtain the configuration file: "windcasterad.jsp") is included within the web page document).

With regards to claim 6, which depends on claim 1, Borger et al teaches a method further including *obtaining a configuration file tag, wherein said configuration file tag corresponds with said XML tag within said web page*, as explained in the rejection for claim 5, and is rejected under the same rationale. Furthermore, Borger et al teaches

a configuration file tag, *including data corresponding to said configuration file tag* (paragraph 0057, Fig. 7: whereas, formatting data corresponding to the configuration file tag is obtained, and inserted into the web page document).

With regards to claim 9, which depends on claim 1, Borger et al teaches a method further including *analyzing a web page file type includes determining if said webpage file type includes any one of a JSP, HTML, ASP, and PHP file type*, as similarly explained in the rejection for claim 1, and is rejected under the same rationale.

With regards to claim 11, Borger et al teaches a system including:

- *A web server configured to process webpage requests; a webpage file type component configured to create dynamic webpage content based upon said webpage requests; an XML component configured to define formatting standards related to said webpage interface elements:* As similarly explained in the rejection for the method of claim 1, and is rejected under the same rationale.
- *Wherein said XML component is contained with said webpage file type component*, as similarly explained in the rejection for the method of claim 4, and is rejected under the same rationale.

With regards to claim 12, which depends on claim 11, Borger et al teaches a system including *wherein said XML component is further configured to obtain formatting instructions from a configuration file*, a similarly explained in the rejection for the method of claim 5, and is rejected under the same rationale.

With regards to claim 16, which depends on claim 11, Borger et al teaches a system *wherein said webpage file type component includes any one of a JSP, HTML, ASP, and*

PHP file type, as similarly explained in the rejection for the method of claim 1, and is rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 8, 10, 13-15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borger et al (US Application: US 2002/0123334 A1, published: Sep. 5, 2002, filed: Mar. 5, 2001) in further view of Van Eaton et al (US Patent: 6,948,117 B2, issued: Sep. 20, 2005, filed: Mar. 27, 2001).

With regards to claim 7, which depends on claim 1, Borger et al teaches a method *wherein said defining formatting standards further includes obtaining a configuration file including data corresponding to said configuration file tag, wherein said configuration file tag corresponds with said XML tag within said webpage*, as explained in the rejection for claim 6, and is rejected under the same rationale. However, Borger et al does not expressly teach *matching said data to at least one class file, wherein said class file defines at least one user interface element*.

Van Eaton et al teaches *matching said data to at least one class file, wherein said class file defines at least one user interface element* (column 3, lines 55-67, and column 8, lines 27-38: whereas, configuration file information corresponding to an XML tag (view descriptor) includes matching data from a class file (data is matched to a

generated ‘specific view class’), which defines user interface elements such as text fields/labels, and lists (column 9, lines 36-40: whereas two ordered lists contain email data from a database, are formatted in a particular order, color, layout, etc). The class file is then implemented (rendered) within a web page for display on a web browser).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Borger et al’s data from the configuration file tag such that the data is matched to at least one class file that defines a user interface element, as taught by Van Eaton et al. The combination of Borger et al and Van Eaton et al would have allowed Borger et al to have “facilitated more efficient web access to data that is not natively compatible with a web browser, and where changes to the layout on the Web browser are more easily realized without extensive recoding” (Van Eaton et al, column 1, lines 58-61).

With regards to claim 8, which depends on claim 1, Borger et al and Van Eaton et al teaches a method *wherein said defining formatting standards further includes obtaining a configuration file tag including data corresponding to said configuration file tag, wherein said configuration file tag corresponds with said XML tag within said webpage, and matching said data to at least one class file, wherein said class file defines at least one user interface element, and implementing said class file within said webpage file type component*, as similarly explained in the rejection for claim 7, and is rejected under the same rationale.

With regards to claim 10, which depends on claim 1, Borger et al and Van Eaton et al teach a method *said web page interface elements include at least one of a*

list, or a text field, as similarly explained in the rejection for claim 7, and is rejected under the same rationale.

With regards to claim 13, which depends on claim 11, Borger et al teaches a system wherein *said XML component is configured to format data from a database*, as similarly explained in the rejection for the method of claim 7, and is rejected under the same rationale.

With regards to claim 14, which depends on claim 11, Borger et al teaches a system wherein the system is further configured to *include at least one class file, wherein said XML component includes at least one tag which corresponds to said at least one class file*, as similarly explained in the rejection for the method of claim 7, and is rejected under the same rationale.

With regards to claim 15, which depends on claim 11, Borger et al teaches a system further configured to *include a rendering engine and at least one class file wherein said rendering engine implements a class file within said webpage file type component*, as similarly explained in the rejection for the method of claim 7, and is rejected under the same rationale.

With regards to claim 17, which depends on claim 11, Borger et al teaches a system *wherein said webpage interface elements include at least one of text field or list*, as similarly explained in the rejection for the method of claim 7, and is rejected under the same rationale.

Conclusion

Art Unit: 2178

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Peria et al (US Application: US 2002/0038349 A1): This reference teaches reusing internet applications through XML, and dynamic serving through ASP, and PHP.
- Lucassen et al (US Application: US 2003/0023953 A1): This reference teaches MVC technique for code reusability and standards implementation.
- Murren et al (US Application: US 2003/0078960 A1): This reference teaches view definitions through XML encoding.
- Sundaresan (US Patent: 6,569,207 B1): This reference teaches XML schemas for instantiating objects from class specifications.
- Lin et al (US Patent: 6,941,521 B2): This reference teaches defining display objects for building graphical user interfaces from XML documents.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wilson Tsui whose telephone number is (571)272-7596. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

W.T. 7/21/06
Wilson Tsui
Patent Examiner
Art Unit: 2178
July 21, 2006



STEPHEN HONG
SUPERVISORY PATENT EXAMINER